

CANFIELD MAN FREE; GOFF SNUBS JEROME.

Recorder Lets David Bucklin Walk Out of Court After He Defies the District-Attorney and Refuses to Testify Before Grand Jury.

Court Holds a Long Conference with the Foreman and Shows His Opposition to the District-Attorney's Methods, but Will Further Consider the Case.

District-Attorney Jerome came a cropper to-day in his effort to have David Bucklin, manager for Richard Canfield, punished for refusing to answer questions before the Grand Jury yesterday.

The Grand Jury took a half-hearted hand in the business, but it all resulted in Bucklin walking out of the court unpunished, and meanwhile the Recorder is going to ponder over the question as to whether Bucklin should be made to tell what he knows about gambling, in view of the fact that he is now under a charge of gambling.

This action by the Recorder is said to have resulted from an hour's conference between the Recorder and Foreman Cudihy, of the Grand Jury. Friends of the District-Attorney state that it comes indirectly from the animosity toward him entertained by Recorder Goff, and that the Grand Jury, being what they call a "Goff Grand Jury," is following the lead of the Court rather than that of the District-Attorney.

The weakness in the position of Mr. Jerome came from the fact that an assistant District-Attorney asked the questions of Bucklin, instead of permitting the foreman or one of the other members of the Grand Jury to do that work. This is what made the Recorder balk yesterday when the District-Attorney yanked Bucklin before him, charging him with contempt. The question arose as to whether the contempt had been of the Grand Jury or of Jerome. So the Recorder put the case over until to-day.

RECORDER IGNORES MR. JEROME.

When court opened this morning, the District-Attorney tried to make a motion in the Bucklin case. The Recorder stopped him, saying that he was not ready for the case just yet. A few minutes later he handed the District-Attorney this typewritten statement:

To the Grand Jury:

Where a witness before the Grand Jury refuses to answer questions a formal presentment, stating the facts of the case, should be made, in order that a record of the proceedings may be before the Court.

It now rests entirely with the Grand Jury whether or not they will now make a complaint against Bucklin.

While the District-Attorney was reading it, the Grand Jury walked into court. The foreman had a presentment in his hand. He started to hand it up when Mr. Jerome took it from him. He read it aloud.

The Grand Jury wanted to know what they could do in the matter.

RECORD READ IN COURT.

The statement was a transcript of the minutes of the Grand Jury showing the questions and answers in the examination of Bucklin by Assistant District-Attorney Osborne. There wasn't a question by a member of the Grand Jury. The record reads:

By Bucklin (on being sworn): By advice of counsel I'm not giving any testimony.

By Mr. Osborne. I will ask you just a question or two and you can then decline to answer and have it on the record. What is your full name? A. David Bucklin.

Q. Where do you reside? A. No. 5 East Forty-fourth street.

Q. How long have you lived at No. 5 East Forty-fourth street? A. I refuse to answer any further questions.

Q. Have you any grounds on which you decline to answer? A. Yes, sir, by advice of counsel, and also I am a defendant in a case related to this case.

Q. Well, I will advise you that you are not now a defendant in any case that will come before this Grand Jury. A. Well, I refuse to answer any question relating to Mr. Canfield or to No. 5 East Forty-fourth street.

Q. Have you any other ground on which you refuse to answer? A. Yes, that I refuse to incriminate myself.

After transcript had been read the Grand Jury asked Recorder Goff what should be done about it.

"That is a very serious question," said the Recorder. "I cannot answer it at present. I will look into the law and let you know later."

COURT AND PROSECUTOR QUIBBLE.

With that the body retired. Mr. Jerome wanted to know what disposition was to be made of Bucklin.

"Have I any power over him?" asked the Recorder, innocently.

"I presumed that you had from the way you acted yesterday," was the retort, and with that the District-Attorney left the room.

On the motion of Forbes J. Hennessy, Bucklin's counsel, Bucklin was then permitted to leave the court free.

The Code of Criminal Procedure requires that the examination of witnesses before the Grand Jury shall be conducted by the foreman of that body, although an individual member can ask questions. The examination may be conducted by the District-Attorney provided the Grand Jurors request him to direct it.

As far as can be learned no member of the Grand Jury requested Mr. Jerome to conduct the examination. There is nothing on the records of the Grand Jury, it is asserted, to the contrary.

HE VISITED AT CANFIELD'S, BUT SAW NO GAMBLING THERE

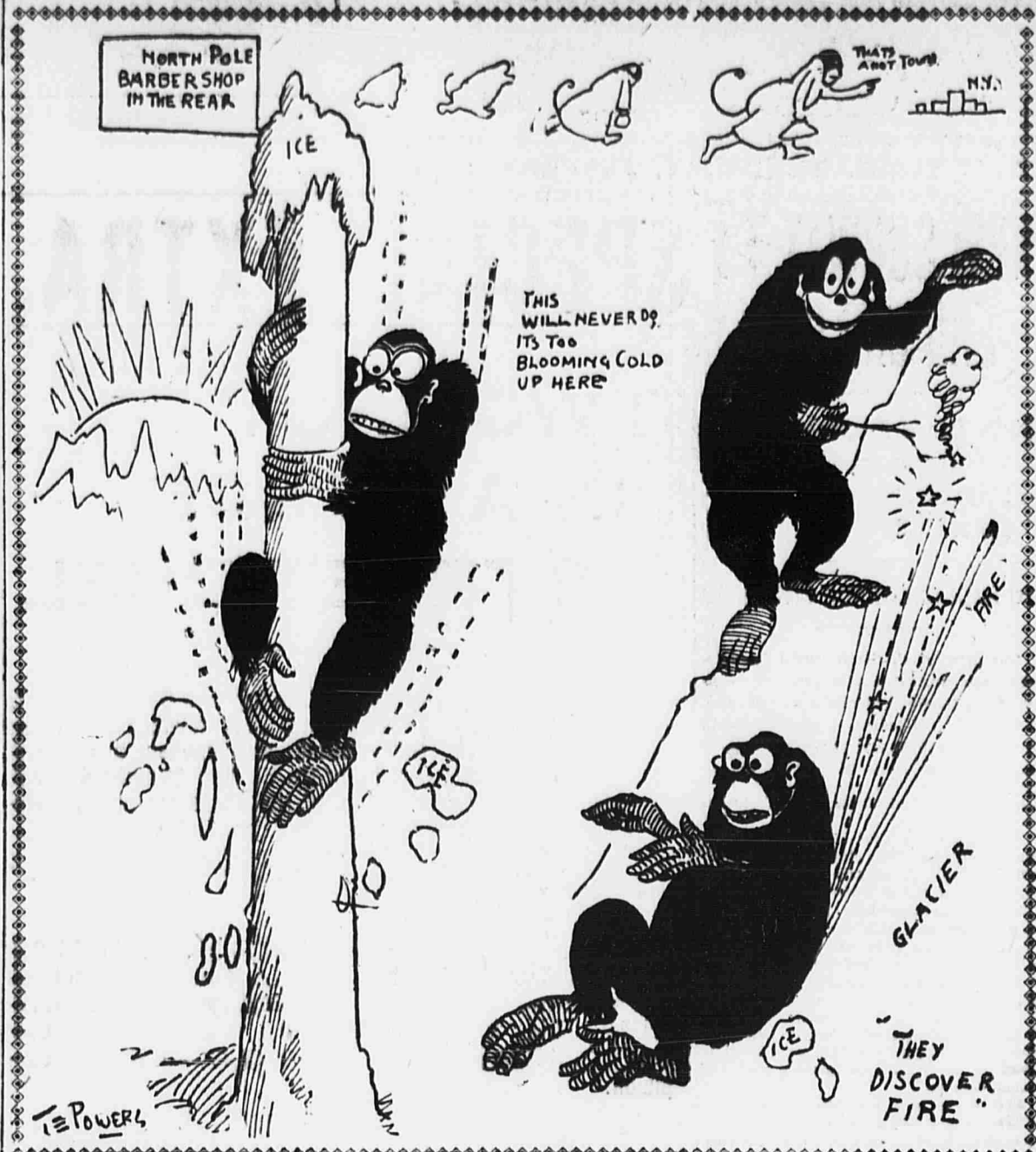
Justice Wyatt, of the Special Sessions Court, acting as a committing magistrate, resumed this afternoon the inquiry into the charges growing out of the raid made by District-Attorney Jerome and Inspector Brooks on Canfield's gambling-house.

The charges are directed against David Bucklin, who was represented by ex-Judge Furman, John Delahanty, John T. Little and Forbes J. Hennessy. District-Attorney Jerome and Assistant District-Attorney Osborne conducted the prosecution.

Deputy O'Neill, of the Citizens Union, corroborated the evidence given by Jerome's clerk Jacobs as to visiting Canfield's the night of Nov. 25, 1902. O'Neill said he accompanied Jacobs to Canfield's door, having met him by appointment at the Waldorf-Astoria.

The witness further stated that O'Neill saw Jacobs enter Canfield's house and that he saw Jacobs enter Canfield's house and that he saw Jacobs enter Canfield's house.

OUR ANCESTORS IN SOME OF THE JUSTLY FAMOUS POSES THAT THEY AFFECT EVEN TO THIS DATE.



MARCONI GIVES A PUBLIC TEST.

Shows the Newspaper Men How He Sends Messages Through the Air Across the Atlantic Ocean.

WIZARD WORKS THE KEY.

(Special to The Evening World.)

WELLESLEY, Mass., Jan. 22.—For the first time since Marconi began his experiments in wireless telegraphy newspaper men were admitted to the room of mystery where messages are sent and signals received from the station at Poldhu, England. It was from this room the King of England was sent. No one else but the Prince of Wales was sent. No one outside of Marconi and his assistants has ever visited this room, and as the great inventor believed he had his wireless system perfected he relaxed from his cautious attitude and permitted newspaper men to have a peep.

The receiving-room is about fifteen feet square and is jammed full of condensers. They are like rusty boxes, and upward of two hundred of them serve to condense and intensify the electric impulse which jumps two thousand miles across the sea at the will of the youthful wizard. Marconi explained the idea of the various wires, tanks and other electrical appliances which crowd the place.

Marconi then had the tremendous current turned on and took his place at the key. The spark formed between two large brass beds at one end of the room and a shield was placed in front of the visitors to protect their eyes from the flashes.

"Now don't be alarmed," said Marconi, quietly.

Then he pressed the key and formed a succession of signals through the brass beds, 50,000 volts passed from one brass pole to the other. The flashes of light were blinding.

The arrest of the spark was louder than the rays of lightning. The air shook and shivered under the terrifying display—for it was terrifying and calculated to inspire the onlookers with awe.

After explaining the various appliances Marconi went back to his little house on the hill, to prepare for his journey to New York.

He goes to England to perfect the station there, and says that he will be ready for commercial business within six months.

FORD BILL IS UP AGAIN.

Reintroduced in Albany to Get Around Decision.

ALBANY, Jan. 22.—Assemblyman Fitzpatrick this morning introduced the original Ford Franchise Tax bill to overcome any suggestion that the entire franchise tax amendments are unconstitutional.

John C. Harrigan Dead.

(Special to The Evening World.)

YONKERS, Jan. 22.—John C. Harrigan, a prominent lawyer of Westchester County, died in the hospital here to-day after a long illness. He was thirty-four years old. He leaves a widow and one child.

BRIBERY CHARGE BEFORE CONGRESS

(Continued from First Page.)

much of his spare time around the City Hall. He lives at No. 533 East Eighty-second street.

QUIGG RAGES AT LESSLER'S CHARGE OF BRIBERY.

If there is a madder man in New York than Mr. Quigg, the Evening World failed to get trace of him to-day. The former Congressman was found at his home, No. 435 West End avenue, eating his breakfast food as viciously as though it were a tough steak. He wouldn't trust himself to talk offhand about Mr. Lessler's charges. He prepared this statement for publication:

Lessler Shocks Him.

"I cannot believe that Mr. Lessler made such a statement as is imputed to him in a morning paper. If he did he is not a sane man. I have telegraphed Chairman Foss, of the Naval Committee, asking whether Mr. Lessler has made such a statement and for an official denial, or if he did say anything which in any way connects me with a corrupt proposition, in that event I have asked for a public inquiry, stating, of course, that there is no justification whatever for such a suggestion. Inasmuch as the paper printed the statement without taking the trouble to call me up on the telephone, much less see me at my house, I have brought the matter to the attention of my attorneys."

After cooling off a little Mr. Quigg went on to say offhand that if he found from the answer of Chairman Foss that Mr. Lessler did make such a statement he would have something further to say from his office, No. 100 Broadway. Meanwhile, he said, he did not care to dignify the matter with a discussion.

Mr. McCullagh left New York for Albany to-day to see Governor Odell. It was said that he had been summoned by the Governor to explain the charges which have been made against him in this connection. He holds his job by appointment from Odell. Before he left, however, he took occasion to deny that he ever offered a bribe to Mr. Lessler. He admitted that he went down to Washington last spring to see him and ask him to support the bill.

DOC-FIGHT RAID IN L. I. CITY.

Three Wagon Loads of Police Each Member of Colorado's Lower Branch Keeps Two Big Revolvers on His Desk Ready for Use.

DENVER, Jan. 22.—The Capitol has a warlike aspect to-day, owing to the presence of armed men in the House chamber and of a strong guard of policemen in plain clothes at all entrances to the Senate chamber. An unfounded report that the National Guard, under orders from Gov. Peabody, had taken possession of the State House prior to its opening to-day, has been posted thirty guards in and about the House chamber to resist an anticipated attempt of the supporters of Edward W. Wolcott, Republican candidate for Senator, to capture the hall.

On every desk is a pair of big revolvers and in the corners stand many shotguns. The guards are commanded by Sgt. Bell, formerly of the Rough Rider Regiment, and James H. Clark. The House did not meet to-day, having adjourned until Friday, but the anti-Wolcott Republicans in control of the organization will maintain their position until the fear of an anticipated raid has passed.

In the Senate chamber no display of weapons is made. The guards patrol their stations quietly.

The two Senates, each of which before to-day was in the House of Representatives, are in session to-day and no progress appears to have been made toward a settlement of the differences between them. The body over which Lieut.-Gov. Haggett presides and which meets in the House chamber is composed of eleven regularly elected Republican Senators and eight Republican contestants, who were declared winners by the State Board of Election.

The body which is holding the Senate hall at the Capitol, sitting continuously, consists of 24 regularly elected Democratic Senators and two contestants who were voted in place of two of the eleven regularly elected Republicans.

Orangeburg "Have the Day."

Taken from "Orangeburg" "Have the Day"; here claims "make the evening."

HERE'S YOUR FAMILY TREE.

We're All Cousins, Since Our Ancestors, the Prehistoric Apes, Were All of One Family and Came from the North Pole.

FOR DR. WORTMAN SAYS SO.

Surprising Deductions Drawn from Skull of Extinct Simian Excavated by the Scientist in the Wilds of Wyoming.

(Special to The Evening World.)

NEW HAVEN, Jan. 22.—According to Dr. J. L. Wortman, an investigator in the Department of Paleontology in the Peabody Museum at Yale, our ancestors, the hairy apes, originally departed themselves and raised large families in the region of the North Pole, which was then a land of warmth and light and color. When the North Pole began to cool off the apes were driven to the southward in various directions, and at last, forced to the extremity of finding a way to keep warm or else freezing to death, they accidentally hit upon the method of making a fire.

This accident, says Dr. Wortman, explains why we are here. Of course we couldn't be here if all our ancestors had frozen to death. The discovery of fire led to other discoveries, the wife of the apes became sharper and they evolved to prehistoric man.

Converted Scoffers.

This theory, in direct contradiction of the commonly accepted idea that man as we know it originated in the climate somewhere in the vicinity of the equator, is shared by many learned members of the Anthropological Club of Yale. These gentlemen have studied for years on the question of the origin of man and all were agreed upon the evolutionary proposition until they heard Dr. Wortman lecture. They had come to scoff; they remained to congratulate. Dr. Wortman, who is only thirty-five years of age, is hailed as the man who has struck the right line of explanation of the reason why we are on earth.

It is not generally known to those who have been willing to agree that we were here, and to let it go at that, that there was a time when what is now the United States was inhabited by apes exclusively.

We have been too busy making money to attend much to explorations in remote sections of the country, and the few fossils that have been found have been considered as purely distinct from the remains dug up in other parts of the world, from which the theory of evolution has been built up. As a result, the ape most closely approaching the man as he exists to-day flourished plentifully in the tropical regions of the Old World, as investigation has disclosed. It was supposed that none of our hairy ancestors ever established a residence in these parts.

Prospecting for Ape Remnants.

Dr. Wortman, by close study of the fossils in the collection of the late Prof. Osborn, of Yale, became convinced that there was a relationship between the extinct ape of North America and the ape of the tropics. But fossil remains were so few that he could not reach a positive state of mind on the subject, and he determined to make further investigations on his own responsibility.

It appears that investigators have found that Wyoming is a rich source of fossils in the collection of the late Prof. Osborn, of Yale, and to Wyoming went Dr. Wortman and his assistants. They set up their camp in the Bridger Basin last summer and began to assay the earth for the remains of our ancestors.

Dr. Wortman, after a great deal of labor, succeeded in digging up the larger part of the skeleton of an extinct ape, in the best of preservation. From this skull Dr. Wortman was able to make important deductions, for it was the first complete skull of an extinct Wyoming ancestor that had ever been discovered.

Establishing Relationship.

From his investigations he concluded that the Wyoming ape, hitherto supposed to be a distinct type from those that flourished in the tropics, was in reality of the same species.

He found that the Wyoming ape was a close relative—the closest ever discovered—of the ape, a remarkable animal that is found to this day in the forests of Madagascar.

Also, that the monkey-like tarsier, which swarms from the trees in these days in the East Indian Archipelago, is of the same structure as was the extinct Wyoming ape.

In addition he finds that living South American apes are so similar to what the Wyoming ape must have been, that evidence is conclusive that the living ape in widely separated sections of the world were descended from the same Wyoming ape, at least from one of the same species, which may be dug up in fossil form in some part of the United States.

The Wyoming fossils were dug up from a depth which indicates that they were buried at about the beginning of the second age of the Eocene age. In fossil correspondence with the first of the Europe fossils exactly similar have been excavated. How then did this family of apes become separated and scattered across seas with nothing to travel by? For, in the beginning of the second age of the Eocene, the world was one, our divisions of land and water were pretty much the same as they are now.

Scattered as They Travelled.

Dr. Wortman concludes that the ape had its origin in the North Pole region. As cold drove the apes southward they scattered. Some went down through Asia, some down through Europe, others came down through what is now British Columbia and Canada to our own United States. Many of them survived to the cold, especially those that came down this way. The Western Hemisphere was driven further southward until they landed in South America, where they found a climate to suit.

The apes that trekked down through Europe and Asia, chased by the cold, at last found themselves cornered in front of the Mediterranean Sea. Being unable to swim across to Africa and unable to go back on account of the cold they were compelled to evolve a way to keep warm, and some prehistoric Edisons discovered that from the discovery came possibilities of men like Dr. Wortman, who is able, by studying a skull dug up in the Bridger Basin of Wyoming, to tell us how it happened.

PASSENGERS HURT IN WRECK

Crash on the Erie Road Near Springfield, Mo.

SPRINGFIELD, Mo., Jan. 22.—Several passengers were injured in a "Frisco" wreck at South Greenfield, and physical damage was left for the scene.

The wrecked train was the express which left Springfield at 11:05 o'clock last night, and which was due at South Greenfield at 1:30.

VICTIM OF THUGS SAVED BY BOY.

Assailants After Beating and Robbing Passaic Man Were About to Drown Him When Alarm Was Given by Lad.

THEY RAN WITH PLUNDER.

When Police Arrived the Man Was Unconscious With Head Gashed and His Watch and Money Gone—Attacked by Three Footpads.

John Schmidt, of Second street, Passaic, N. J., employed in Lodi Silk Works, was attacked by footpads on the causeway in Homestead, Hudson County, N. J., early to-day, knocked senseless with a bludgeon, and would have been drowned in a creek with a bed of quicksand, had not a boy happened along and given an alarm, frightening the thugs away.

Schmidt was walking along the road-way waiting for a car, when three men jumped from behind a hedge. One of them struck him over the head with a bludgeon, inflicting a deep wound above his right eye and rendering him unconscious. They then rifled his pockets, taking a gold watch and \$25 in money.

After they picked up the unconscious man and were carrying him toward a creek near the road, John Brody, fourteen years old, of No. 15 Elliott street, Hoboken, happened along, and realizing what they were doing, shouted for help. The three men dropped their burden and fled. When the police responded Schmidt was revived and taken to the Hoboken station, where his wounds were dressed and he remained until able to be taken home.

The police are searching for the highwaymen.

"FAVORITE" TOLD OF WIFE'S VISIT

But His Testimony Failed to Induce Court to Grant Divorce to the Husband of Mrs. Clark.

"AN IMPROBABLE TALE."

Such is Justice MacLean's characterization of Story Told by Man from Trenton Who Boasted with Clarke.

"The proposed judgment is refused. It would rest upon the story of a casual favorite without sufficient corroboration to give color to an improbable tale."

This is the way Justice MacLean, of the Supreme Court, disposes of the suit of Hugh L. Clark against Mary Eleanor Gibson Clark, to whom he was married in the Parish of Marylebone, London, in 1885.

S. G. Robinson, of Trenton, was the witness described as "a casual favorite," who told the "improbable tale," which was that he was a roomer at No. 2 West Nineteenth street during the summer of 1900. Mr. and Mrs. Clark having another room, and that at 6 o'clock one morning in August Mary Eleanor Gibson Clark came down before she had dressed for the day and insisted on sharing his room with him.

Mrs. Emma McNeely, of No. 49 West Twentieth street, an aunt of Hugh Clark, finished the "corroboration," testifying that the Nineteenth street house was hers and that when she went to call Mrs. Clark to breakfast on that August morning she saw her rise by marriage come out of the Trenton lodger's room. Mrs. Clark lived at the Belvedere Hotel, Lehigh, last summer. She did not defend her husband's suit and he must try again.

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